1872-020 Chancery Causes: William Pennington vs. Heirs of Benjamin Dickinson & Lee Co.

Martin, France, Childs, Hurst, Tyler, Wynn

2 Plats

CA-Estate Dispute
T-Property

-Deed

the unknown heirs of Letitia Childs deceased
and Sue Martin Ralph Martin and Clay Martin

who are all nonresidents and that a guardian
ad litem be appointed to appear answer and
defend for the said unknown

infant heirs of Letitia Childs and the said
Sue Martin Ralph Martin and Clay Martin
who are infant heirs of Martha Martin deceased
and John N. Wynn Martha R. Wynn Edward
P. Wynn and Columbus Wynn infant heirs
of Elcanah Wynn decd. And upon a hearing
a partition be decreed of the said lands so
as to allot your Orator's part adjoining
his 350 acre tract and such other further
and general relief be extended to your
Orator as may be Consistent with equity
and Justice and best suited to his case
May the Commonwealths writ of Spa.
issue directed &c.

David Miller
for Compl.

a divorce from bed and board & is now free from her said husband and can sue and be sued and can do any and all things that a single woman can do except Contract matrimony The said Elcanah Wynn left at his the death the following Children and heirs at law to wit Levina who intermarried before her fathers death with one George N. Tyler who deserted her afterwards and is now a nonresident She being still a resident and John R. Wynn Martha R. Wynn Mitchell C. Wynn Edward P. Wynn and, Columbus C. Wynn the said Mitchel having died since his fathers death and his interest in his real and personal estate fell to his said Sisters and brothers the said John R. Martha R. Edward P. and, Columbus Wynn are all minors under twenty one years of age Your Orator further alleges that the said 400 acres has never been partitioned and Dower has never been assigned to the widow Ailsey S. Hurst out of the same. Your Orator further alleges that he owns 350 acres more or less adjoining the tract of land owned by himself & Benjamin Dickinson's heirs which was conveyed to him by One Daniel S. Dickinson and which lies north of the undivided tract on the South East Side of the Little Blackmountain Your Orator alleges further that the said Benjamin D. Martin who is also a nonresident of Virginia claims to have a judgment lien on the shares of said tract that belong to Benjamin Dickinsons heirs but claims no lein on the share and one half share conveyed by himself to your Orator and is deeply interested in said land as it may be necessary for him to subject the said land except your orators part to the payment of his liens:

Now the principal object of this bill is to obtain a partition of the said tract or parcel of land amongst the parties entitled thereto and to effect which it will be necessary to define the boundaries of the 400 acre tract conveyed to Elcanah Wynn Correctly and then the other undivided tract can be partitioned correctly and Justly; and your orator being without an adequate remedy at law and relievable only in a Court of Equity his prayer therefore is that the said Benjamin D. Martin, Elisabeth France Christian M. France & his wife Absalom R. Dickinson and Emily C. Dickinson his wife Benjamin F. Childs and the unknown heirs of Letitia Childs deceased and Sue Martin Ralph Martin and Clay Martin infant heirs of Martha Martin deceased and Ailsey S. Hurst John Wynn George N. Tyler and Levina Tyler his wife Martha Wynn Edward P. Wynn and Columbus Wynn be made parties defendant to this bill and that they be Summoned to answer the same upon their oath and that an order of Publication be made posted and published against the said George N. Tyler, Benjamin D. Martin Elisabeth Christian M. France France, Absalom R. Dickinson and Emily C. Dickinson his wife Benjamin F. Childs and

line thence with his line to the Fields line thence with the said Fields line to the Fields Corner on the waters of Baileys Trace thence with the Fields line to Pucketts Creek thence with Stapleton's lines to of the 400 acre tract conveyed by the heirs of Benjamin Dickinson deceased to Elkanah Wynn (the deed for which bears date April 28th 1858) thence following the boundaries of said 400 acre tract to a Stake the north east Corner of Robert Stapletons land thence with the lines of the said Stapleton's and Debeau Russells lands and Joseph Stapletons to David Pennington's & John S. Burgan's land thence following their lines to the Beginning Your Orator alleges that the 400 acres above mentioned was once a part of the Same Survey and was Sold and Conveyed to the Said Elcanah Wynn as aforesaid but in the Said Conveyance the boundary of Said 400 acre tract is not well defined and Cannot be until it is done by an actual Survey of the Same. Your Honor will perceive that the Said tract of land Contained five undivided Shares Subject to the four hundred acres to Elcanah Wynn of which Your Orator is the Owner of the One fifth and the half of one fifth that is the fifth belonging to Martha Martin and the half of the fifth that belonged to ~~Letitia Childs and Benjamin Childs her husband~~ Edwin R. Dickinson. Your Orator alleges that Elisabeth France is Still living ~~but~~ her husband Christian M. France is, ~~dead~~ still living, and She Still owns her fifth in Said tract. Emily C. Dickinson who intermarried with Absalom R. Dickinson are both living and Still own their fifth in Said tract But Letitia Childs who intermaried with one Benjamin F. Childs died in the State of Missouri leaving her Said husband Still living and the ~~children~~ several Children who are her heirs at law ~~to wit~~ but whose names are unknown & the Said Martha Martin also died leaving the following Children to wit Sue Martin Ralph Martin and Clay Martin and who are all under the age of twenty one Years The Said Elisabeth France & her husband Christian M. France, and Emily C. Dickinson and her husband Absalom R. Dickinson and Benjamin F. Childs and the heirs of Letitia Childs his wife are all nonresidents of this State and the Said Edwin Dickinson having departed this life the one fifth and the half of one fifth he owned at the time of his death will fall by Course of descent to Elisabeth France and Emily C. Dickinson and the heirs of Letitia Childs and the heirs of ~~Martha~~ Martha Martin, ~~dec'd~~ first wife of Elbert S. Martin So that the Shares are now rather more than the one fifth part except the Shares and one half owned by Your Orator. Your Orator Further alleges that Edwin R Dickinson left at his death a widow who Still lives in this State, and would be entitled to her Dower in the one fifth and the half of one fifth that he owned at his death which has never been assigned to her but she is not entitled to Dower in the half purchased by Your Orator from Benjamin D. Martin. Your Orator Further alleges that the Said Elcanah Wynn died about the Year 1864 or about that time leaving a widow Ailsey S. Wynn but who afterwards intermarried with one Jessee Hurst but She after her Second Marriage obtained

To the Honorable Henry J. Morgan Judge of the ~~County~~ Court of Lee County Virginia:

The Bill of Complaint of William Pennington of Lee County Virginia ~~humbly~~ Complaining respectfully represents that at one time Benjamin Dickinson deceased late of Lee County Virginia was the owner in fee simple of a certain tract or parcel of land lying on the north side of the Stone Mountain and on the South Side of the Little Black Mountain in Lee County Virginia containing about acres more or less and the said Benjamin Dickinson died about the year 185- and the said land descended with his other lands to his heirs to wit: Elisabeth France Emily C. Dickinson Letitia Childs Martha Martin and Edwin Dickinson all of whom were then living. The said tract of land never was partitioned amongst the said Benjamin Dickinson's heirs and is therefore still undivided: The said Martha Martin together with her husband Elbert S. Martin conveyed their share which was the One fifth part to one Benjamin D. Martin and Letitia Childs & her husband Benjamin F. Childs by Convey their fifth jointly to B.D. ~~and the said Edwin Dickinson conveyed the one half of his one fifth to the said Benjamin D. Martin~~ So that the said Benjamin D. Martin was the owner of the One fifth and the half of one fifth of said tract or parcel of land which he afterwards conveyed to your orator by deed bearing date July 28th 1870 which is of record in the County Court Clerks of Lee County and is bounded as follows Beginning at the mouth of Ely's Creek or near there thence up Ely's Creek to John Hedrick's

William Pennington

vs. Bill in Chancery

Dickinson heirs & others

1847 June Bill Filed, Ops Executed
on Wilson & Kunkel & Lemuel Tyler
" Decree Dismissed without Costs.
" July Decree Dismissing same as to Wm
appointed G. A. L. for Infant Defts
who filed his Ans. Costs for
C. P. to Nonresident defendant
dog Continued for C. P.
" Sept C. P. Confd & Decree Nisi
" Oct D. R. Confirmed & forthwith
" Oct Term Decree Contl.
" Nov " Decree Contl.
" December Continued
1848 January Feb & March Contd
" April Decree Contl.

C. 12.87
C. 15.00
C. 3.00
C. 1.00
Cr. 3.00
C. 3.00
Costs $40.

To the Hon. Henry J. Morgan, Judge of the County Court of Lee County: -

The answer of John B. West, Guardian ad litem for the unknown infant heirs of Letitia Childs dec'd, Ralph Martin, Sue Martin, and Clay Martin - infant heirs of Martha Martin dec'd, and John P. Wynn, Martha R. Wynn, Edward P. Wynn, & Franklin C. Wynn infants to a Bill filed in this Honorable Court against said infants and others by William Pennington respectfully represents, That after reserving to himself all legal, just, and proper exceptions to said Bill by reason of any errors therein contained, which would in any way tend to prejudice the rights and immunities of these infants, for answer to said Bill saith, That as such Guardian he does not admit or deny that the interest of his wards at law would be promoted by a partition of the undivided track of land in the Bill mentioned at this time or at any time, or that the interest of these infants would be promoted by a partition in the manner prayed for in said Bill, Your respondent contents himself by submitting the interest of his wards to the care and protection of your Honor, whom he is advised is the special & peculiar Guardian of infants of young and tender years like these; and to urge upon your Honor to require the Plaintiff to shew by sufficient legal evidence that the partition of land he prays for in his Bill, in the manner he prays for the same and with the objects he has in view, will be promotive of the best interests of these infants. And now having answered Complainants' Bill as fully as is deemed material at this time, your respondent prays hence to be dismissed of costs.

John B. West, Guard^n ad litem
for said infants.

Sworn to before me by said John B. West, Guard^n ad litem as setforth in the foregoing answer. July 3rd 1871.

James W Orr. Clerk.

John B. Weist, Guardian
ad litem for Ralph Martin &
others

ads. } answer.

William Pennington.
187. July Rules filed

William Pennington
against
Benjamin Dickinsons Heirs & others } Decree Final

This Cause Came on this day again to be heard upon the papers formerly read in the Cause and the report of John A. Warner Joseph Myers and Samuel Carter the Commissioners heretofore appointed to make partition of the land in the bill mentioned who have made the partition and filed their report and it appearing to the Court that said Commissioners report had been filed in the County Court Clerks office of Lee County for more than thirty days before this term of the Court and no exceptions having been filed thereto: It is adjudged ordered and decreed that the same be and is hereby Confirmed and that the parties take and hold the lands as partitioned by the said Commissioners according to their respective rights and interests in the same and that the said Commissioners report together with the two plats accompanying the same & together with this Decree be admitted to record by the Clerk of this Court in the Deed Book in his office and it is further adjudged ordered and decreed that the plaintiff William Pennington recover of the Defendants Absalom H. Dickinson and Emily C. Dickinson his wife and Christian M. France and Elisabeth France, his wife, the three fifths and the one half of the one fifth of the taxable Costs of this Suit and nothing further being necessary this Cause is stricken from the docket

Wm. H. Pennington

vs. Decree final.

Benj. Dickinsons heirs & others

Entered Order Book page 16.

James W Orr Clerk.

Enter this Decree

H. J. Morgan

April 16/72

Wm. Pennington Plaintiff
against
Benjamin Dickinsons heirs & others Defts } In Chy

This Cause Came on this day to be heard upon the bill and exhibits filed therewith and the answer of the infant defendants by John B. Nott their Guardian ad litem and was argued by Counsel and it appearing to the Court that process had been duly served on the home defendants more than two months before this Term of the Court and that an order of publication had been duly made posted and published against the non resident defendants and that this Cause has been regulary matured at rules and set for hearing by the plaintiff and the adult defendants Still failing to appear and answer the Complainants bill the Same is therefore taken for Confessed as to them. On Consideration of which it is adjudged ordered and decreed that Elis Davis Joseph Mayers and Samuel Carter be and are hereby appointed Commissioners to make partition of the land in the bill mentioned among the parties entitled thereto, and to effect which they will first define the tract of land Conveyed by Benjamin Dickinsons heirs to Eleanah Wynn and then they will lay off and allot and assign to the plaintiff William Pennington the fifth and one half of one fifth of the tract out of which he made his purchase according to his deeds to be laid off according to quality and quantity and if they can lay off the said William Penningtons part adjoining his other lands without injuring the remainder they are directed to do so but they are not to make any other division of the land than herein Specified and they will make a fair plat and report of the Same and return the Same to a future term of this Court and the Cause is Continued

Wm Pennington

vs. Decree

Benjamin Dickinson's
heirs & others

Entered O.B. page 384.
L.B. West. D. Clk

Enterlined Decree
H.J. Morgan
Oct 1871

William Pennington
against
Benjamin Dickenson's heirs & others
} Decree in Chy.

This Cause came on again to be heard upon the papers formerly read in the Cause and it appearing to the Court that Elig Davis a Commissioner appointed by ~~this~~ a former decree of this Court made in this Cause at the October Term 1871, declines to act, it is hereby ordered that John Warner be Substituted instead of Elig Davis who in Conjunction with the other Commissioners appointed by said decree shall make partition of the lands in the bill mentioned and perform the duties required of them by said decree and the Cause is Continued

Wm. Pennington

vs. Decree

Benj. Dickinsons heirs
& others

Entered O.B. 418 & 419.

Entered
E. F. Tiller

Virginia,

At a County Court continued and held for Lee County, at the Court House thereof, on the 20th day of October 1871.

William Pennington ..... Plaintiff } In Chancery

vs.

Benjamin Dickinson's Heirs & others ..... Defendants }

xxxxxx On consideration of which, it is adjudged, ordered, and decreed that Eli Davis, Joseph Myers, and Samuel Carter be and are hereby appointed Commissioners to make partition of the land in the Bill mentioned among the parties entitled thereto, and to effect which they will first define the tract of land conveyed by Benjamin Dickinson's Heirs to Elcanah Wynn, and then they will lay off and allot and assign to the plaintiff, William Pennington, the fifth and one half of one fifth of the tract out of which he made his purchase, according to his deeds - to be laid off according to quality and quantity; and if they can lay off the said William Pennington's part adjoining his other lands, without injuring the remainder, they are directed to do so; but they are not to make any other division of the land than herein specified, and they will make a fair platt and report of the same, and return the same to a future term of this Court, and the cause is continued.

Test. John B. West, D. Clerk.

William Pennington

vs. Copy of Decree &c
appointing Comrs to partition
Land in Bill named &
Benj.n Dickinson's Heirs &
others

Executed by delivering
Sending Samuel
Carter & Catherine
Office copy

C & Hamblen
D Clk

Virginia

At a Court of Quarter Sessions continued & held for Lee County, at the Court House thereof, on Thursday, Nov. 23rd 1871.

William Pennington ..... Plaintiff

vs. } In Chancery.

Benjamin Dickinson's Heirs & others ..... Defendants

This cause came on again to be heard, upon the papers formerly read in the cause, and it appearing to the Court that Eli Davis, a Commissioner appointed by a former decree of this Court made in this cause at the October Term 1871, declines to act. It is hereby ordered that John Warner be substituted instead of Eli Davis who, in conjunction with the Commissioners appointed by said decree, shall make partition of the land, in the Bill mentioned, and perform the duties required of them by said decree, and the cause is continued.

Teste- John B. West. D. Clk.

William Pennington
vs. } Copy of Decree
Benjamin Dickinson's Heirs
& others.

Filed 6th day of Dec
In Clerk's Office
Copy A. H. Hamilton
C.C.C.

Virginia,

At a County Court continued & held for Lee County, at the Court House thereof, on Friday, the 20th day of October 1871.

William Pennington ..... Plff

against

Benjamin Dickinson's Heirs & others ..... Defts

} In Chancery.

xxxxxx On consideration of which, it is adjudged, ordered, and decreed that Eli Davis, Joseph Myers, and Samuel Carter be and are hereby appointed Commissioners to make partition of the lands in the Bill mentioned among the parties entitled thereto, and to effect which they will first define the tract of land conveyed by Benjamin Dickinson's Heirs to Elkanah Wynn, and then they will lay off and allot and assign to the Plaintiff William Pennington the fifth, and one half of one fifth of the tract out of which he made his purchase, according to his deeds, to be laid off according to quality and quantity; and if they can lay off the said William Pennington's part adjoining his other lands, without injuring the remainder, they are directed to do so, but they are not to make any other division of the land than herein specified, and they will make a fair Platt and report of the same, and return the same to a future term of this Court, and the cause is continued.

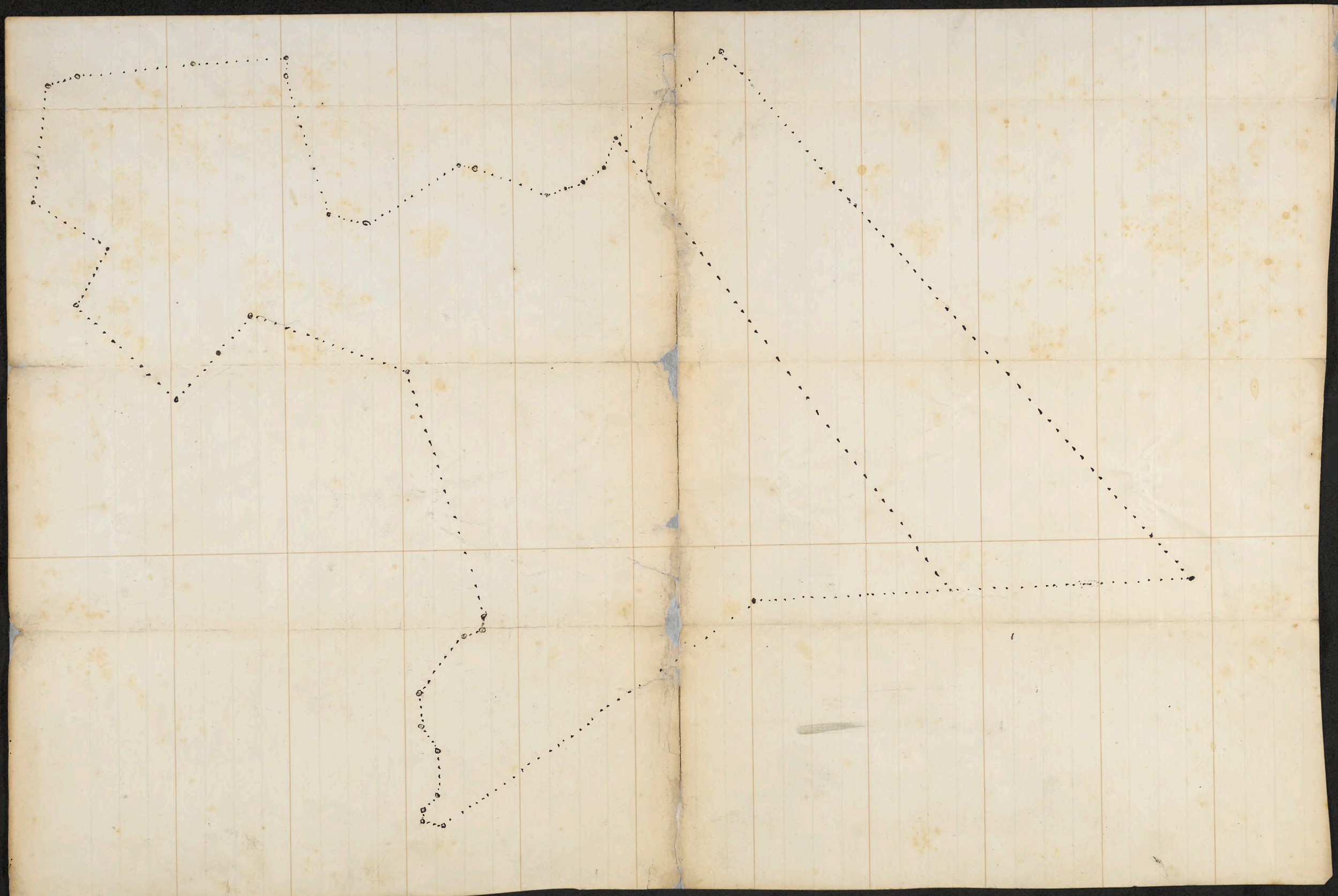
Teste. John B. West. D. Clk

William Pennington

vs. Copy of Decree

Benj^n Dickinson's Heirs & others.

Executed by delivering
to John A Warner
& Atty for Office
Copy to C. L. Hamblen Esq



Wm Pennington

2

28 Plat

Benj Dickinsons Heirs

January Th 15 1872

We the undersigned appointed commissioners proceeded to defind the pract of land deeded from Benjamon Dicenson heirs to Ebana Wynn & to make a partition of the land in the Bill mentioned in the decree in defining the tract conveyed to Wynn commencing on a chestnut and white oak on a spur near a field claimed by Benjanin Duesenbery and runin S 45 E 60 Rods to a white oak & maple ~~three~~ a corner to John D Rissels land thence S 56 Rods to a chestnut thence N 58 E 119 poles to 3 trees cut down beeches a corner of Stapleton and with his lines N 25 E 88 poles to a chestnut and gum S N 48 poles to a chestnut and blackoak thence N 77 E 232 poles to a stake in Pennyngtons line and with the same N 50 E 38 poles to 2 whiteoaks thence N 18 E 8 poles to Puckets creek and with the same W 6 poles N 38 W 22 poles N 87 W 42 poles S 60 W 26 poles S 84 W 30 poles N 50 W 68 poles N 21 W 20 N 12 W 11 poles to a beech on the bank of said creek thence S 75½ W 248 poles to pointers thence S 22 W 160 poles to a gum on a spur thence S 46 E 48 poles to the beginning containing 400 acres and the land to divide is bounded as polows begining on 2 trees destroyed beeches on balyes Trace & runing with the Mready line S 520 poles to a poplar locust & chestnut on the top of a spur thence S 35 E 368 poles to a stake in said line thence S 18 W 22 poles to puckets creek thence with same W 6 poles N 38 W 22 poles N 87 W 42 poles S 60 W 26 poles S 84 W 30 poles N 50 W 68 poles N 21 W 20 poles N 12 W 11 poles to a beech on the bank of said creek thence S 75½ W 248 poles to pointers S 22 W 160 poles to a gum thence S 46 E 48 poles to a chestnut & oak thence S 45 E 60 poles to a whiteoak & maple a corner of John D Russel thence S 58 W 206 poles to a popla thence S 36 W 90 poles to a white oak

thence N 81 W 94 poles to a spruce pine on the bank of stone creek N 15 W 30 poles ~~poles~~ to a whitewood thence N 2 W 115 poles to a white oak thence N 95 poles calling for a stake thence S 80 E 14 poles to a chestnut sourwood & maple on the bank of Elys creek and with the same N 58 E 156 poles N 17 E 38 poles N 31½ W 103 poles N 16½ E 18 poles N 24 E 78 poles N 16½ W 16 polls N 18 W 20 poles to a maple on the head of said creek thence N 30 W 24 poles to a gum thence N 69 W 30 poles to a poplar on the bank of a branch a corner to Hedrick N 40 W 150 poles to a stake in a line of the origonial survey thence N 51½ E 680 poles to the beginning containing 2540 acres & beginning at the poplar corner of Hedricks and running N 56½ E to the Mcrady line to cut off Wm Pennyngtons part which will show on the platt to be 700 acres

in runing around we included a 50 acre claimed by Joseph Stapleton of which we could find no conveyance also excluded a boundry claimed by Kirk Deeded by B D Martin but not recorded nor signed by the other Heirs also stated under the acknoledgement that he signed without knowing whether it was rite or not

Cost of papers $2.00 of comissioners $6.00

John A Warner
Joseph Myers
Samuel Carter

William Pennington

vs

Comrs Report

Benj Dickinson Heirs

Recorded in Deed Book

No 16 Page 461-2-34

George W. Orr D. C.

Filed Jany 15th 1872

This Deed made this 26th day of July 1870 between Benjamin D Martin of the County of Hunt, and State of Texas of the one part, and William Pennington of the County of Lee and State Virginia Witnesseth, that the said Martin, for and in consideration of the sum of two hundred dollars, the receipt of which is hereby acknowledged, hath this day granted, bargained, sold and delivered unto the said Pennington any undivided interest in a certain tract or parcel of land, lying & being in the said County of Lee in the "Pocket" said int' being 1/5 & 1/2 of 1/5 of said tract, which tract is bounded as follows, as nearly as can be ascertained by actual survey, to wit; Beginning at the mouth of Ely's Creek or near there, thence up Ely's Creek to John Hedricks, thence with his line to the Fields line, thence with the Fields line to Puckett's Creek, thence with Stapletons line to the lines of the 400 acre tract conveyed by the heirs of Benjamin Dickinson deed to Elkanah Wynn (the Deed for which bears date April 28th 1858) thence following the boundaries of said 400 acre tract to a stake, the North East corner of Robert Stapletons land, thence with the lines of said Stapletons & Deheau Russell's land and Joseph Stapletons to David Pennington & John D Burgan's land, thence following their lines to the Beginning aforesaid, and further to include any lands that may lie between Richard Kirk & David Pennington's: and the said Martin doth hereby covenant that he will warrant generally the land or undivided interest hereby conveyed. Witness the following signature and seal.

B. D. Martin. [Seal]

Lee County Court, Clerks Office, the 28th day of July 1870.

The foregoing Indenture of bargain and sale for land between Benjamin D Martin of the County of Hunt, State of Texas, of the one part, and William Pennington of the County of Lee, State of Virginia of the other part, was this day acknowledged before me by the said Martin to be his act and deed, for the purposes therein mentioned, and the said deed being duly stamped, is admitted to record

Test — John B West Clerk.
James W Orr Clerk.

Copies Teste —

William Pennington

From Copy of Deed

Benj D. Martin

(Exhibit)

(Fee for copy 40 cts)

This Deed made the 28th day of April in the year of our Lord One thousand eight-hundred and fifty eight between Benjamin D Martin, Edwin Dickinson, C. M. France & Mary E his wife & A. R. Dickinson and Emily C his wife, of the County of Lee and State of Virginia (C. M. France & wife of Buchanan Co Va) of the first-part and Elkanah Wynn of the County of Lee and State of Virginia of the second part. Witnesseth that in consideration of the sum of five hundred the receipt whereof is hereby acknowledged, the said parties of the first-part, do grant, bargain and sell unto the said Elkanah Wynn a certain tract or parcel of land, lying and being in the County of Lee and state of Virginia, on the north side of the Stone Mountain, containing four hundred acres & bounded as follows Viz, Beginning at a stake North East corner of Robert Stapletons land, thence a Straight-line to the nearest-point on Pucketts creek, thence up sd creek, and bounding thereon to a stake, thence westwardly, and northwardly & various courses to the beginning, so as to embrace the Day place & make the same in as nearly a square form as may be & run up the sd creek to cover 400 acres, as above described, according to a title bond given the parties of the first-part to R. Kirk & dated 19th March 1855, - which sd bond sd Wynn now holds. And the said parties of the first-part, covenant with the said Elkanah Wynn that they will warrant generally the land hereby conveyed. Witness the following signatures and seals.

Benjamin D Martin (seal)
A. R. Dickinson (seal)
Edwin Dickinson (seal)
E. C. Dickinson (seal)

Lee County, Clerks office the 27th day of April 1858.

This Indenture of bargain and sale for land between Benjamin D Martin, Edwin Dickinson, C. M. France & Mary E his wife, & Absalom R Dickinson & Emily C his wife of the one part, and Elkanah Wynn of the other part, was acknowledged before me by the B. D. Martin

Edwin Dickinson & A. R. Dickinson & E. C. his wife (she the said Emily C having been first privily examined as the law directs) and thereupon admitted to record as to them.

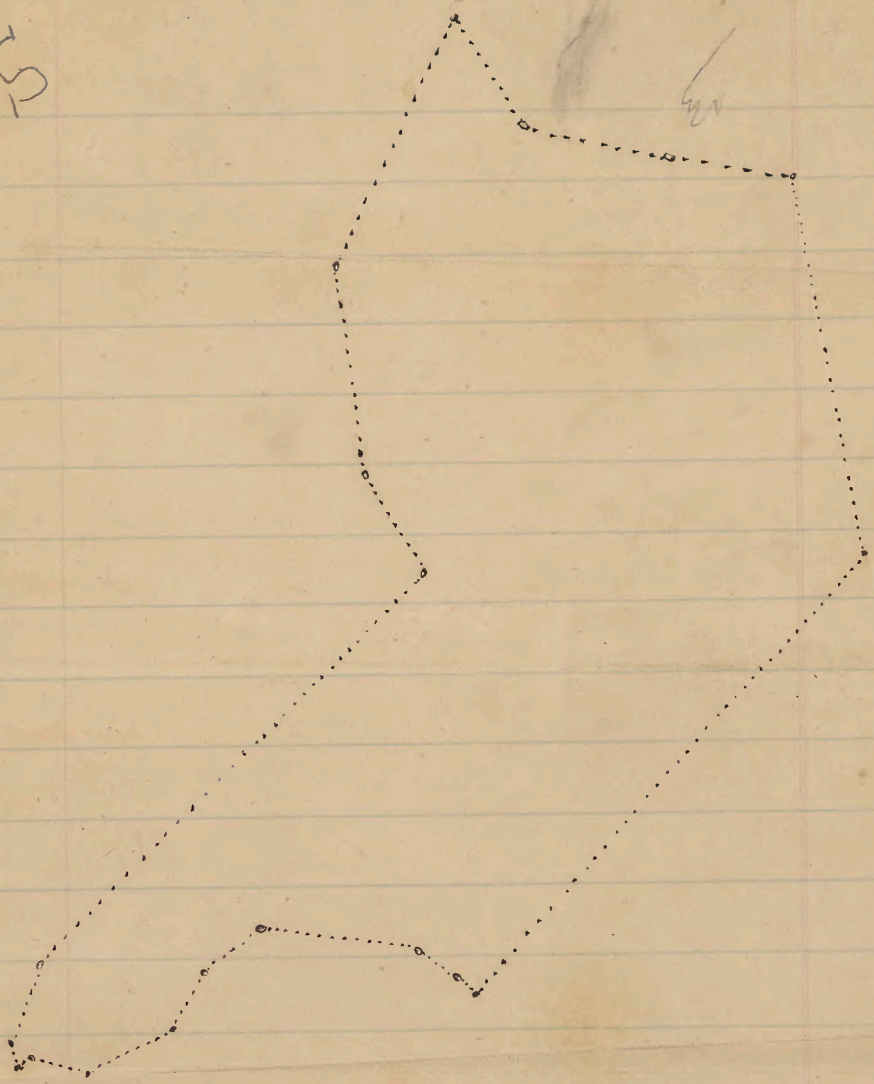
S. P. Morison. D. C.

Ofpics Teste— James W Orr. Clerk.

Exhibit

Elkanah Nyman
Assignee
Copy of Deed
Benjamin D Martin et als

Fee for copy 40 cts



A platt of the Land deeded from Dickersons Heirs To Eleana Wynn

all and every act and thing whatsoever requisite and
necessary to be done in and about the premises, as fully
to all intents and purposes as I might or could do if
personally present, hereby ratifying and confirming all
that my said attorney shall lawfully do or cause to
be done by virtue of these presents. Witness my hand
and seal this the 20th day of October 1873.

(Seal)

Sea

1841. Oct 20. Michael Myers Conveyed to B Dickinson
that part of a certain tract of land containing 193 90 lying north of the
Stone or Cumberland Mountain

Virginia

At Rules begun & held for Lee County, at the Court House thereof, on Monday, the 5th day of June 1871.

William Pennington Plaintiff

vs

Benjamin D. Martin, Christian M. France and Elizabeth France, his wife, Absolam R. Dickinson and Emily C. Dickinson, his wife, Benjamin F. Childs and the unknown heirs of Letitia Childs decd, Sue Martin, Ralph Martin and Clay Martin - infant heirs of Martha Martin decd, Lucy D. Hurst, George N. Tyler and Lavina Tyler, his wife, John P. Wynn, Martha R. Wynn, Edward P. Wynn & Columbus Wynn & Franklin C. Wynn Defendants

In Chancery.

The object of this suit is, to obtain a partition of the undivided tract of land in the Bill mentioned among those entitled thereto; and it appearing from an affidavit filed in the cause that the said Benjamin D. Martin, George N. Tyler, Christian M. France and Elizabeth, his wife, Benjamin F. Childs and the unknown heirs of Letitia Childs decd and Absolam R. Dickinson & wife, are non-residents of this Commonwealth, they are, therefore, ordered to appear here within one month after due publication of this order, and do what is necessary to protect their interest in this suit.

Teste. John B. West. D. clk.

A copy- Teste. John B. West. D. clk

I certify, that on Monday, the 19th day of June 1871, that being Court day, I posted a copy of the foregoing Order of Publication at the front door of the Court House of Lee County. Given under my hand this day of June 1871.

James W. Orr. clk.

Wm Pennington.

vs. } Order of Publication

Benj.n Dickinson's Heirs et als.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON Christian M. Franco and Elizabeth Franco his wife Absalom R. Dickinson and Emily C. Dickinson his wife Benjamin F. Childs and the unknown heirs of Letitia Childs decd who are all nonresidents and Sue Martin Ralph Martin and Cloy Martin infant heirs of Martha Martin deceased the said Ralph being also a nonresident and Abbey S. Hurst George N. Tyler and Levina Tyler his wife John P. Wynn Martha A. Wynn Edward P. Wynn and Franklin C. Wynn the said George N. Tyler being also a nonresident

to appear before the Judge of our ~~Circuit~~ County Court, for Lee County, at the Court-House in the Clerk's Office, at Rules to be holden for said Court, on the first Monday in June next, to answer a bill in Chancery, exhibited in our said Court, against them by William Pennington

And have then there this writ. Witness, ~~JOHN~~ James W. ORR, Clerk of our said Court, at the Court-House, this 3rd day of May 1871, in the 95th of the Commonwealth.

James W Orr Clerk.

William Pennington

vs. } Summons in Chy.

Christiana M. France

June Rules 1871

Executed on Ailsey S. Hurst and Levina Tyler by delivering each of them a true copy of the within Summons but I did not execute it on any of the other defendants they being all non-residents and minors.

This 4th day of May 1871

L. S.

E. Anderson

for C. L. Hamblen S. C. C.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON Christian M. France and Elisabeth France his wife Absalom R. Dickinson and Emily C. Dickinson his wife Benjamin A. Childs and the unknown heirs of Letitia Childs deceased who are all nonresidents and Sue Martin Ralph Martin and Clay Martin infant heirs of Martha Martin deceased the said Ralph being also a nonresident and Silsey S. Hurst George N. Tyler and Levina Tyler his wife John P. Wynn Martha R. Wynn Edward P. Wynn and Franklin C. Wynn the said George N. Tyler being also a nonresident

to appear before the Judge of our County Court, for Lee County, at the Court-House, in the Clerk's Office, at Rules to be holden for said Court, on the first Monday in June next, to answer a bill in Chancery, exhibited in our said Court, against them by William Pennington

And have then there this writ. Witness, James JOHN W. ORR, Clerk of our said Court, at the Court-House, this 3rd day of May 1871, in the 95th year of the Commonwealth.

James W Orr Clerk.

A copy
Teste- James W Orr. Clerk

Virginia: At rules begun and held for Lee county, at the courthouse thereof, on Monday, the 5th day of June, 1871—

William Pennington, plaintiff

against

Benjamin D. Martin, Christian M. France and Elizabeth France his wife, Absalom R. Dickinson and Emily C. Dickinson his wife, Benjamin F. Childs and the unknown heirs of Letitia Childs, dec'd, Sue Martin, Ralph Martin and Clay Martin, infant heirs of Martha Martin, dec'd, Ailey S. Hurst, George N. Tyler and Lavina Tyler his wife, John P. Wynn, Martha R. Wynn, Edward P. Wynn, Franklin C. Wynn and Columbus Wynn, defendts

IN CHANCERY.

The object of this suit is to obtain a partition of the undivided tract of land in the bill mentioned, among those justly entitled thereto. And it appearing from an affidavit filed in the cause that the said Benjamin D. Martin, George N. Tyler, Christian M. France and Elizabeth his wife, Benjamin F. Childs and the unknown heirs of Letitia Childs, dec'd, and Absalom R. Dickinson and Emily C. his wife, are non-residents of this Commonwealth: they are therefore ordered to appear here within one month after due publication of this order, and do what is necessary to protect their interest in this suit. Teste,

JOHN B. WEST, D. CK.

A copy teste,

june22-4w JOHN B. WEST, D. CK.

mentioned

Printers' fee $ 7.50

Herald office

Marion Va

July 14, 1871

We hereby certify that the annexed Order of Publication has been published for (4) four weeks consecutively in the Marion Herald, a newspaper published in the town of Marion, Smyth Co., Va., as directed. Given under our hand the date above mentioned.

Kennedy & Trenable

Publishers.